

Date				Ty
6/17/2021	E-mail		Received: Menefee Physiotherapy Request	Ty
From: Julia Barbani To: jscairn@selectmedical.com (jscairn@selectmedical.com) Sent: Thursday, June 17th, 2021 at 8:52 AM Subject: Received: Menefee Physiotherapy Request				
6/17/2021	E-mail		Received: Fwd: Menefee Physiotherapy Request	
From: Julia Barbani To: Avery Bartlett Sent: Thursday, June 17th, 2021 at 12:29 PM Subject: Received: Fwd: Menefee Physiotherapy Request				
6/17/2021	Note	Outgoing Call	Medical Provider Communication	
Hi Jeff, My assistant, Avery Bartlett, gave me your contact information. Ms. Kellie Menefee has requested that we ask Physio to please send us the balance amount owed on her account. She cannot afford to pay the balance now, and we will agree to pay off her account when her injury case settles. Thank you for your help. Julia				
Good afternoon!				
To receive the information you seek, you will need to contact billing at 888-823-8940. Please, have the name and date of birth of Ms. Menefee ready for the call.				
Call to billing office at 888-823-8940 re- above. Spoke w/ Ted. Told him that client wants Physio to stop sending her billing statements and have the balance owed on her acct paid from our office out of her settlements and that the atty reached out to rep there and was told that balance \$275.00. 19:38 min.				
Name: Kellie Menefee				
DOB: [REDACTED]				
6/17/2021	E-mail		Received: RE: Menefee Physiotherapy Request	
From: Avery Bartlett To: Julia Barbani Sent: Thursday, June 17th, 2021 at 4:48 PM Subject: Received: RE: Menefee Physiotherapy Request				
6/23/2021	E-mail		Received: Physiotherapy Account #140913539	
From: Hendershot, Nichole K. (NKHendershot@selectmedical.com) To: Avery				

History for Kellie Menefee

Bartlett			
Sent: Wednesday, June 23rd, 2021 at 5:28 PM			
Subject: Received: Physiotherapy Account #140913539			
Patient non-statement Menefee, Kellie L.docx			Ty
6/24/2021	Note	Texted Client Back	
Kaiser bill still pending			
Will demand at least 6x meds when ready to send			
Physio req pending to transfer balance to a lien			
6/24/2021	E-mail	Received: RE: Kellie Menefee	
From: Julia Barbani To: Frances Boswell			
Sent: Thursday, June 24th, 2021 at 1:55 PM			
Subject: Received: RE: Kellie Menefee			
6/24/2021	Note	Texts from Client	
Accused me of lying about requesting records and complained about my services			
Also called in and complained to Frances and asked to speak to SGM			
Responded and advised client bills were properly requested (and that is why I got records) and will ask she be reassigned			
6/24/2021	Note	Advised KTL of Issue	
Agreed case should be reassigned and requested transfer to Cierra			
6/24/2021	Note	NOTE	
JB advised case reassigned to Cierra			
6/24/2021	E-mail	Sent: Kellie Menefee - Directives	
From: Cierra Geter To: Rebecca Mason Valdez			
Sent: Thursday, June 24th, 2021 at 2:34 PM			
Subject: Sent: Kellie Menefee - Directives			

8/25/2021

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6/24/2021	E-mail	Email	Received: RE: Kellie Menefee - Directives	
<p>From: Ryan Brusie To: Cierra Geter Sent: Thursday, June 24th, 2021 at 2:36 PM Subject: Received: RE: Kellie Menefee - Directives</p>				
6/24/2021	E-mail		Sent: Request for records and bills	
<p>From: 1 / Brusie To: roi@bmnp.com Sent: Thursday, June 24th, 2021 at 2:38 PM Subject: Sent: Request for records and bills</p>				
Kellie Menefee Benchmark Request copy 4.pdf				ty
6/24/2021	E-mail		Sent: request over 60 days old	
<p>From: 1 / Brusie To: Ayanna R Clark Sent: Thursday, June 24th, 2021 at 2:40 PM Subject: Sent: request over 60 days old</p>				
6/24/2021	Note		Unsuccessful Attempt to Contact Client-VM	
6/24/2021	Document		NEW CASE MANAGER	
6/25/2021	Note		Unsuccessful Attempt to Contact Client-VM	
6/28/2021	Note		Unsuccessful Attempt to Contact Client-VM	
6/29/2021	Note		Unsuccessful Attempt to Contact Client-not able to leave vm	
7/1/2021	Note		Unsuccessful Attempt to Contact Client-MB FULL	
7/7/2021	Note		Unsuccessful Attempt to Contact Client- VM FULL	
7/8/2021	E-mail		Sent: REQUEST OVER 70 DAYS OLD!!!	
<p>From: 1 / Brusie To: Alisa.t.wright@kp.org Sent: Thursday, July 8th, 2021 at 10:28 AM Subject: Sent: REQUEST OVER 70 DAYS OLD!!!</p>				
7/14/2021	Note		gathering all recs and bills for demand	
7/14/2021	Attachment		PREPARED DEMAND	
7/14/2021	E-mail		Sent: Kellie Menefee	

History for Kellie Menefee

From: 1 / Brusie To: Rebecca Mason Valdez			
Sent: Wednesday, July 14th, 2021 at 9:49 AM			
Subject: Sent: Kellie Menefee			
7/15/2021	Document	Demand Slip and Fall	
7021-0350-0000-2027-8025			
kellie menefee p demand.pdf			Ty
7/15/2021	Note	Outgoing Call	
Insurance Company Communication - CMI			
Called CMI to get adjuster information, agent transferred my call and I left vm.			
7/16/2021	E-mail	Received: FW: New Voice Message from Rebecca Valdez 6095 on 07/15/2021 10:49 AM	
From: Janice Francis To: Avery Bartlett			
Sent: Friday, July 16th, 2021 at 9:29 AM			
Subject: Received: FW: New Voice Message from Rebecca Valdez 6095 on 07/15/2021 10:49 AM			
6095-0715-104906.mp3			Ty
7/16/2021	Note	Client Communication	
Listened to VM that client left for JB - client is profusely apologizing for her behavior, says was very upset, she is happy with JB's representation, would certainly recommend her to anyone.			
7/21/2021	Note	CMI	
Called CMI to get adjuster information. Adjuster for claim is Mindy Walker. Phone # (800) 527-0566 x 57780			
7/23/2021	Note	T/C w/Client	
Client requested that her demand be mailed asap			
Client advised she fell again and needs the funds			
Advised c demand was in review with the attorney and as soon as she signs off on it I will let her			

History for Kellie Menefee

[REDACTED]		
know		
C requested that it be expedited. Advised c I wasn't certain what is on the attorney's calendar but I would put in the request.		
7/23/2021	E-mail	Received: FW: Kellie Menefee
From: Rebecca Mason Valdez To: Cierra Geter Sent: Friday, July 23rd, 2021 at 10:35 AM Subject: Received: FW: Kellie Menefee		
3549194213.doc.dot		
7/25/2021	E-mail	Received: RE: Kellie Menefee
From: Cierra Geter To: Rebecca Mason Valdez Sent: Sunday, July 25th, 2021 at 8:52 PM Subject: Received: RE: Kellie Menefee		
Kellie M.doc		
8/2/2021	Note	DEMAND OUT-VM
8/9/2021	Note	Demand Out Call
C called back and I went over the demand with her.		
She wants us to rescind demand and rescind demand for \$100K		
8/9/2021	Document	blank Letter to Adjuster
7020-1810-0001-8899-8907		
8/10/2021	Note	mailed cert blank letter to adjuster
8/10/2021	E-mail	Received: New Voice Message from Reception - KELLIE FMENEFEE [REDACTED] on 0
From: RingCentral (notify@ringcentral.com) To: Rebecca Mason Valdez Sent: Tuesday, August 10th, 2021 at 10:09 AM Subject: Received: New Voice Message from Reception - KELLIE FMENEFEE [REDACTED] on 08/10/2021 10:09 AM		

Date			Ty
Date			Ty
8/10/2021	Note	T/C w/Client	
C changed her mind and wants to keep the demand at \$50K. She wanted a bd from the \$50K and I gave it to her and advised her that the demand amount doesn't necessarily mean that is what the insurance company will offer.			
8/10/2021	E-mail	Received: FW: 9277328/Kellie Menefee	
From: Rebecca Mason Valdez To: Mindy Walker-Lampkin Sent: Tuesday, August 10th, 2021 at 11:41 AM Subject: Received: FW: 9277328/Kellie Menefee			
6419918287.doc.dot			Ty
8/11/2021	E-mail	Received: RE: 9277328/Kellie Menefee	
From: Mindy Walker-Lampkin (Mindy.Walker@walmart.com) To: Rebecca Mason Valdez Sent: Wednesday, August 11th, 2021 at 8:59 AM Subject: Received: RE: 9277328/Kellie Menefee			
8/11/2021	E-mail	Received: RE: 9277328/Kellie Menefee	
From: Mindy Walker-Lampkin (Mindy.Walker@walmart.com) To: Rebecca Mason Valdez Sent: Wednesday, August 11th, 2021 at 9:08 AM Subject: Received: RE: 9277328/Kellie Menefee			
8/11/2021	E-mail	Received: RE: 9277328/Kellie Menefee	
From: Rebecca Mason Valdez To: Mindy Walker-Lampkin Sent: Wednesday, August 11th, 2021 at 9:13 AM Subject: Received: RE: 9277328/Kellie Menefee			
8/11/2021	E-mail	Received: DENIAL	
From: Mindy Walker-Lampkin (Mindy.Walker@walmart.com) To: Rebecca Mason Valdez Sent: Wednesday, August 11th, 2021 at 9:58 AM Subject: Received: DENIAL			
clm9277328_con16652559_1613508731221.rtf			Ty
8/11/2021	E-mail	Sent: Kellie Menefee	
From: 1 / Brusie To: Rebecca Mason Valdez Sent: Wednesday, August 11th, 2021 at 10:29			

History for Kellie Menefee

AM			
Subject: Sent: Kellie Menefee			
8/11/2021	E-mail	Received: FW: Kellie Menefee	
From: Rebecca Mason Valdez To: Ryan Brusie			
Sent: Wednesday, August 11th, 2021 at 11:43 AM			
Subject: Received: FW: Kellie Menefee			
Kellie M copy 2.doc			
8/12/2021	E-mail	Sent: RE: Kellie Menefee	
From: 1 / Brusie To: Rebecca Mason Valdez			
Sent: Thursday, August 12th, 2021 at 8:14 AM			
Subject: Sent: RE: Kellie Menefee			
8/19/2021	Note	scanned and mailed demand	
8/23/2021	E-mail	Received: New Voice Message from Social Media - [REDACTED] on 08	
From: RingCentral (notify@ringcentral.com) To: Rebecca Mason Valdez			
Sent: Monday, August 23rd, 2021 at 10:40 PM			
Subject: Received: New Voice Message from Social Media - [REDACTED] on 08/23/2021 10:40 PM			
[REDACTED] 0823-224027.mp3			
8/24/2021	Note	Text with C	
Rebecca Valdez (770) 741-0580 8:26 AM			
Good Morning, this is Rebecca with Monge and Associates. I got a voice message from you. I am a bit confused as there is no check to be signed or picked up?? Please call me @ 770-741-0580.			
8/24/2021	Note	Unsuccessful Attempt to Contact Client-VM	

8/25/2021

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8/24/2021	Note				Unsuccessful Attempt to Contact Client-VM	
8/24/2021	E-mail				Received: Re: Kellie Menefee Premise	
From: Brenda Johnson To: Rebecca Mason Valdez Sent: Tuesday, August 24th, 2021 at 2:43 PM Subject: Received: Re: Kellie Menefee Premise						
8/24/2021	E-mail				Received: RE: Kellie Menefee Premise	
From: Rebecca Mason Valdez To: Brenda Johnson Sent: Tuesday, August 24th, 2021 at 2:52 PM Subject: Received: RE: Kellie Menefee Premise						
8/25/2021	E-mail				Received: firm approval to DGAGE	
From: Janice Francis To: Rebecca Mason Valdez Sent: Wednesday, August 25th, 2021 at 9:13 AM Subject: Received: firm approval to DGAGE						
1/1/4501	E-mail				Received: Treatment	
From: To: [REDACTED] Sent: Saturday, January 1st, 4501 at 12:00 AM Subject: Received: Treatment						
Lost Wage Form.pdf						
1/1/4501	E-mail				Received: Treatment	
From: To: [REDACTED] Sent: Saturday, January 1st, 4501 at 12:00 AM Subject: Received: Treatment						
Lost Wage Form copy 2.pdf						
1/1/4501	E-mail				Received: Kellie Menefee	
From: To: Transfers Sent: Saturday, January 1st, 4501 at 12:00 AM Subject: Received: Kellie Menefee						
kelliemenefee.pdf						
						Ty

On July 31, 2020, Kellie Menefee went to shop at the Walmart located at 4004 Lawrenceville Highway NW, Lilburn, GA 30047. Kellie was walking down an aisle when she slipped and fell in liquid on the floor. Your insured was at the at fault party in failing to exercise ordinary care in inspecting and keeping its premises in a safe condition. Following her fall, our client immediately contacted the manager on duty and completed an incident report

Liability:

Please accept this correspondence as our client's demand for settlement and compromise of this claim for damages arising from the referenced incident. While the following information should assist you in evaluating this claim and includes medical records, medical bills, and documentation showing the losses sustained by our client, this letter and the enclosed materials are submitted for the purpose of negotiation only. For this reason, nothing contained herein shall constitute an admission by our client, not be admissible against our client at any hearing or trial.

Dear Claims,

SETTLEMENT DEMAND

Your Insured: Walmart
Claim No.: 9277328
Our Client: Kellie Menefee
Date of Loss: 7/31/2020

Re:

CERTIFIED MAIL RECEIPT
CMI
Claims Department
PO Box 14731
Lexington, KY 40512

July 15, 2021

■ Also Admitted in AL
◆ Also Admitted in FL
▲ Also Admitted in SC
+ Also Admitted in NC
* Also Admitted in TN

Clark R. Karell Jr. ◆
Kenneth Letsch ◆
Scott Monge
Amit Nowroozadeh ▲
Joseph Perotta
Charles Rauton
Alex Zubrowski

Personal Injury & Wrongful Death Lawyers
8205 Dunwoody Place, Building 19
Atlanta, Georgia 30350
(800) 899-5750 telephone
(678) 579-0204 facsimile
www.BecauseYouWantToWin.com

Julia Barbani
Alexander Brown ◆
Ashley Crawley ▲ +
Kristina Ducos
Joseph Fleishman
Jason Green
Scott Harrison ◆

MONGE & ASSOCIATES



Special Damages:

As a result of the trauma induced injuries sustained by our client, she required medical attention, x-rays, and she took over the counter medicine to assist with her pain. Additionally, Kellie required physical therapy and bedrest. Know that our client was unable to perform household chores such as cleaning, folding laundry, and washing dishes; stand for long periods of time; drive her car; and participate in social activities with family and friends without increased pain and discomfort. Our client's prognosis is guarded. Our client to this date continues to suffer from ongoing pain and suffering as a result of this clear liability collision. (See Exhibit "2," Medical Records and Related Expenses.)

Not surprisingly, our client received immediate medical treatment due to her fall related injuries. Our client, Kellie presented herself to Kaiser Permanente where she received a physical examination and was released with a follow up referral. Not long thereafter, Kellie received follow up care from Physiotherapy Associates. Below is a highlight of the personal injuries sustained by our client, to wit: **Right Knee Pain.**

Nature of Personal Injuries:

In short, our client was completely without fault in this matter. Ms. Menefee was an invitee on your insured's premises, and as such, was entitled to expect that your insured had exercised ordinary care to make its premises safe. Unfortunately, this was not the case and our client has ample evidence to survive any motions for summary judgment which may be filed should this matter proceed to litigation.

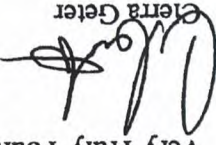
Furthermore, the Georgia Supreme Court has noted that constructive knowledge of a defect, i.e., that the defendant ought to have known of the defect in the exercise of ordinary care, is sufficient to charge the defendant with liability for injuries caused by the defect. See, Keaton v. A.B.C. Drug Company, 266 Ga. 385, 467 S.E. 2d 558 (1996). Here your insured was under a statutory duty to keep its store in a safe condition. A reasonable inspection would have revealed the accumulation of water. Your insured's agents and employees failed to adequately inspect the premises, thereby failing to uphold its duty under O.C.G.A. § 51-3-1). Consequently, our client slipped in a liquid substance, sustaining serious injuries.

Under Georgia law, an owner or occupier of land is liable for damages to an invitee for injuries caused by his failure to exercise ordinary care in keeping the premises and approaches safe. (*O.C.G.A. § 51-3-1*). Here, your insured was under a statutory duty to keep the areas open to its customers in a safe condition. In addition, an owner/occupier must exercise the diligence toward making the premises safe that a good businessperson is accustomed to use in such matters. This includes inspecting the premises to discover possible dangerous conditions of which the owner/occupier does not have actual knowledge, and taking reasonable precautions to protect invitees from dangers, foreseeable from the arrangement or use of the premises. See, Jackson v. Waffle House, Inc. 245 Ga. App. 371, 537 S.E. 2d 188 (2000). Moreover, an owner/occupier is on constructive notice of what a reasonable inspection would reveal. *Id.*

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Enclosures

cg/rm

Very Truly Yours,

 Sierra Geter
 Attorney

With best regards, I remain,

This is a time limited demand, and, at 4:30 pm. 30 days from the date of this correspondence, it will be withdrawn and rescinded. The only payees listed on the settlement check should be our single client and Monge & Associates, P.C. tax ID number 58-2286270. This correspondence is written in the spirit of compromise and settlement. All of the enclosed materials shall remain the property of our client and shall be returned upon request.

On the basis of medical and lost wage damages incurred by our client, as well as the extreme pain and suffering which our client has been forced to endure, all of which were caused by the clear negligence of your insured we are demanding a tender of \$50,000.00, in consideration of our client. A reasonable jury, in our opinion would have little difficulty in awarding the amount requested, if not a far greater award. The amount cited in this settlement demand assumes that a copy of your insured's applicable declaration page has been produced to our office and there is no applicable excess, umbrella, or uninsured motorist coverage.

Settlement Demand

TOTAL SPECIAL DAMAGES TO DATE \$ 7,458.00

1. Physiotherapy Associates \$ 7,458.00

would include, but are not limited to, the following:

The special damages which our client incurred as a result of this clear liability collision

Exhibit One
Medical Records and Bills

Kaiser Georgia

Transaction Information	Charges	Tx #	Procedure	Service Date From	Service Date To	Service Provider	Date	Total Amount
1319 99213-OFFICE/OUTPATIENT ESTABLISHED LOW M...					07/31/2020	Md Sharifa R Avery [50707]	07/31/2020	162.00
1320 A4467-BELT STRAP SLEEVE GARMENT OR COVERI...					08/03/2020	Pa-C Joseph C Reynolds...	08/03/2020	12.00
1321 99212-OFFICE/OUTPATIENT ESTABLISHED SF MD...					08/03/2020	Pa-C Joseph C Reynolds...	08/03/2020	98.00
1322 73560-RADIOLOGIC EXAMINATION KNEE 1/2 VIEWS					08/03/2020	Md John D Hamilton, M.D...	08/03/2020	86.00
1328 99442-PHYS/QHP TELEPHONE EVALUATION 11-20...					08/05/2020	Do Kenya Dean V, D.O...	08/05/2020	82.00
1350 46221-HEMORRHOIDECTOMY INTERNAL RUBBER...					08/24/2020	Md Mba Jeffrey R Root...	08/24/2020	770.00
1399 99443-PHYS/QHP TELEPHONE EVALUATION 21-30...					11/23/2020	Md Rick E Stallings, M.D...	11/23/2020	121.00
1403 87635-IADNA SARS-COV-2 COVID-19 AMPLIFIED PR...					01/04/2021	Dekalb Lab [9960010]	01/04/2021	199.00
1404 99442-PHYS/QHP TELEPHONE EVALUATION 11-20...					01/06/2021	Md Shresh Patel V, M.D...	01/06/2021	98.00

Report Settings
 Account: MENEFEE,SHAWN [351287]
 Patient: MENEFEE,KELLIE L [0947578]
 Submission Information
 User: [1418364]
 Time: Tue Jul 13, 2021 5:12 PM

1411 99442-PHYS/QHP TELEPHONE EVALUATION 11-20...	Md David B Greenstein...	01/14/2021	98.00
1415 99442-PHYS/QHP TELEPHONE EVALUATION 11-20...	Md Rick E Stallings, M.D....	02/01/2021	98.00
1419 99441-PHYS/QHP TELEPHONE EVALUATION 5-10 MIN	Md Jayashree Venkatesh...	02/11/2021	60.00
1432 99204-OFFICE/OUTPATIENT NEW MODERATE MDM...	Md Shawnay N Mazell [5...	04/09/2021	355.00
1433 84443-ASSAY OF THYROID STIMULATING HORMO...	Dekalb Lab [9960010]	04/09/2021	70.00
1434 80053-COMPREHENSIVE METABOLIC PANEL	Dekalb Lab [9960010]	04/09/2021	44.00
1435 82607-CYANOCOBALAMIN VITAMIN B-12	Dekalb Lab [9960010]	04/09/2021	63.00
1436 82306-25 HYDROXY INCLUDES FRACTIONS IF PER...	Dekalb Lab [9960010]	04/09/2021	123.00
1437 99443-PHYS/QHP TELEPHONE EVALUATION 21-30...	Md Rick E Stallings, M.D....	04/06/2021	143.00
1454 70551-MRI BRAIN BRAIN STEM W/O CONTRAST MA...	Md Siddhartha S Thanaw...	04/18/2021	1,404.00
1457 99441-PHYS/QHP TELEPHONE EVALUATION 5-10 MIN	Md Julia Y Campbell, M.D...	02/24/2021	60.00
1467 99442-PHYS/QHP TELEPHONE EVALUATION 11-20...	Do Kenya Dean V, D.O...	06/01/2021	98.00
1484 99443-PHYS/QHP TELEPHONE EVALUATION 21-30...	Md Rick E Stallings, M.D....	06/21/2021	143.00